

REMARKS/ARGUMENTS

In the Office Action of September 25, 2009, claims 1, 3-9, 11-15 and 20-25 are rejected. In addition, claim 21 is objected to because of informalities. In response, claim 21 has been amended. Applicant hereby requests reconsideration of the application in view of the claim amendment and the below-provided remarks.

Claim Objection

Claim 21 is objected to because “*the dielectric substrate*” recited in claim 21 lacks antecedent basis. In response, claim 21 has been amended to be dependent on claim 5, which recites “*a dielectric substrate*.” Thus, Applicant respectfully requests that the objection to claim 21 be withdrawn.

Claim Rejections under 35 U.S.C. 103

Claims 1, 3-7, 9 and 11-15 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Tsubaki et al. (EP 1109251 A1, hereinafter “Tsubaki”) in view of Nakamura et al. (EP 1471597, hereinafter “Nakamura”). Claim 1 is also rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Thornell-Pers (U.S. Pat. Pub. No. 2009/0066584) in view of Nakamura. Claim 8 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Tsubaki in view of Nakamura and further in view of Adam et al. (U.S. Pat. No. 5,774,025, hereinafter “Adam”). Claim 21 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Tsubaki in view of Nakamura and further in view of Rowell (WO 01/20718). However, Applicant respectfully submits that the pending claims are patentable over the cited references for the reasons provided below.

Applicant respectfully asserts that both Nakamura and Thornell-Pers do not constitute prior art for the current application. In particular, Applicant respectfully asserts that the prior art dates of Nakamura and Thornell-Pers are all later than the effective filing date of the current application. In particular, the current application claims priority of the foreign application EP 04101236.0, which was filed on March 25,

2004. Thus, the effective filing date of the current application is the filing date of the foreign application EP 04101236.0, which is March 25, 2004.

Nakamura, which is a foreign patent application, was published on October 27, 2004. Therefore, the prior art date of Nakamura is later than the effective filing date of the current application, which is March 25, 2004. As a result, Applicant respectfully asserts that Nakamura does not constitute prior art for the current application.

Thornell-Pers also does not constitute prior art for the current application, as explained below. Thornell-Pers claims priority of the foreign application SE 0400203-6, which was filed on February 2, 2004. However, as stated in MPEP 706.02(f)(1)(D), “foreign applications' filing dates that are claimed (via 35 U.S.C. 119(a)-(d), (f), or 365(a) or (b)) in applications, which have been published as U.S. or WIPO application publications or patented in the U.S., may not be used as 35 U.S.C. 102(e) dates for prior art purposes. This includes international filing dates claimed as foreign priority dates under 35 U.S.C. 365(a) or (b).” Additionally, Thornell-Pers claims priority of the PCT Application PCT/SE2005/000115, which was filed on February 1, 2005. Thus, the prior art date of Thornell-Pers is later than the effective filing date of the current application, which is March 25, 2004. As a result, Applicant respectfully asserts that Thornell-Pers does not constitute prior art for the current application.

Thus, Applicant respectfully asserts that both Nakamura and Thornell-Pers do not constitute prior art for the current application. Because the above-identified references do not constitute prior art for the current application, Applicant respectfully asserts that claims 1, 3-9, 11-15 and 20-25 are patentable over the cited references.

CONCLUSION

Applicant respectfully requests reconsideration of the claims in view of the amendment and remarks made herein. A notice of allowance is earnestly solicited.

Respectfully submitted,

Heiko Pelzer

Date: December 16, 2009

By: /thomas h. ham/
Thomas H. Ham
Reg. No. 43,654

Wilson & Ham
PMB: 348
2530 Berryessa Road
San Jose, CA 95132
Phone: (925) 249-1300
Fax: (925) 249-0111